

SW 2005-500

FILED JANUARY 23, 2005
AT 6:05 O'CLOCK a. M.
[Signature]
Clerk, Second Judicial Circuit
JUDGE

IN THE DISTRICT COURT OF THE SECOND CIRCUIT
WAILUKU DIVISION
STATE OF HAWAII

IN RE APPLICATION OF)
A SEARCH WARRANT)
BY THE STATE OF HAWAII)
_____)

SEARCH WARRANT

THE STATE OF HAWAII

TO THE CHIEF OF POLICE OF THE COUNTY OF MAUI, OR HIS DEPUTY,
OR ANY OTHER POLICE OFFICER OF THE COUNTY OF MAUI:

Proof by Affidavit having been made before me this 23rd day of January 2005, by Officer TOD WONG of the Maui County Police Department, that he has reason to believe that there is sufficient probable cause for me to direct that a search be made of the following: a "AMERICAN UNIT" black/grey colored backpack that was in the possession of Joshua KNEPPER.

Affiant has reason to believe that within the above-described backpack there is presently located the following items:

1. An unascertainable amount of Marijuana, Hashish, Heroin, Cocaine, Methamphetamine, or other controlled substances;

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EXHIBIT "A"

I hereby certify that this is a full, true and correct copy of the Original.

[Signature]
Clerk, Second Judicial Circuit 000000067

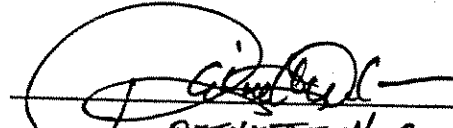
2. An unascertainable amount of United States Currency;
3. Articles of identification or items containing the name(s), photographic impressions, latent fingerprints or palm prints, handwriting or printing of Joshua KNEPPER and/or other such articles or items which would serve as evidence of the ownership or control over the above-described backpack, including but not limited to, driver's licenses, identification cards, Utility bills, rental receipts, any object containing handwriting or printing samples, credit cards, credit card statements, checkbooks, checks, checking account registers, membership cards and personal articles;
4. Paraphernalia associated with the use/distribution of Marijuana, Hashish, Heroin, Cocaine, Methamphetamine, or other controlled substance including but not limited to books and publications, gram scales, cutting agents, balance beam scales, plastic bags, paper bindle, aluminum foil, razor blades, mirrors, straws and smoking pipes;
5. Records relating to the distribution of Marijuana, Hashish, Heroin, Cocaine, Methamphetamine, or other controlled substances including but not limited to, lists of customers, dates of sales and purchases, amounts sold or purchased, purchase of supplies, telephone numbers and addresses, lists of distributors from whom Marijuana, Hashish, Heroin, Cocaine, Methamphetamine or other controlled substances can be obtained, records of contacts, conversations, communications, agreements or transactions between Joshua KNEPPER and/or other parties;

That the above items constitute evidence of the offenses of Promoting a Dangerous, Harmful and Detrimental Drugs in violation of Chapter 712 of the Hawaii Revised Statutes; and as I am satisfied that there is probable cause to believe that the items so described will be present within the backpack hereinabove described and that there are grounds for the issuance of a Search Warrant;

YOU ARE HEREBY COMMANDED to make a search of the above-described backpack for the items so described, serving this Search Warrant and making the search within TEN (10) DAYS from the date hereof, but not between the hours of 10:00 o'clock P.M. and 6:00 o'clock A.M., and if said items be found there to seize them

leaving a copy of this Search Warrant and a receipt for the items seized and return the Search Warrant and bring the inventory for the items seized before the Judge of the above-entitled Court promptly, as required by law.

DATED: Wailuku, Hawaii, January 23, 2005


REINETTE W. COOPER
District Judge of the above-entitled Court



I D. JANUARY 23, 2005
AT 6:05 O'CLOCK p. M.
Second Judicial Circuit
JUDGE

SW 2005-500

IN THE DISTRICT COURT OF THE SECOND CIRCUIT
WAILUKU DIVISION
STATE OF HAWAII

IN RE APPLICATION OF)
A SEARCH WARRANT)
BY THE STATE OF HAWAII)
_____)

AFFIDAVIT FOR SEARCH WARRANT

STATE OF HAWAII)
COUNTY OF MAUI) ss.

TOD WONG, hereinafter, referred to as "Affiant", being duly sworn, on oath deposes and says:

That Affiant is and has been a member of the Maui County Police Department since 1989 and is presently assigned to the Vice Narcotics Canine Unit as a Canine Handler;

That Affiant has been assigned and is investigating the alleged offenses of Promoting a Dangerous, Harmful, and Detrimental Drugs in violation of Chapter 712 of the Hawaii Revised Statutes;

That in conjunction with this investigation Affiant has reason to believe that within: a "AMERICAN UNI" black/grey colored backpack that was in the possession of Joshua KNEPPER.

That Affiant has reason to believe that within the above-described backpack there is presently located the following items:

A-1

I hereby certify that this is a full, true and correct copy of the Original.

W. Knepper
Clerk, Second Judicial Circuit 000000070

1. An unascertainable amount of Marijuana, Hashish, Heroin, Cocaine, Methamphetamine, or other controlled substances;
2. An unascertainable amount of United States Currency;
3. Articles of identification or items containing the name(s), photographic impressions, latent fingerprints or palm prints, handwriting or printing of Joshua KNEPPER and/or other such articles or items which would serve as evidence of the ownership or control over the above-described backpack, including but not limited to, driver's licenses, identification cards, Utility bills, rental receipts, any object containing handwriting or printing samples, credit cards, credit card statements, checkbooks, checks, checking account registers, membership cards and personal articles;
4. Paraphernalia associated with the use/distribution of Marijuana, Hashish, Heroin, Cocaine, Methamphetamine, or other controlled substance including but not limited to books and publications, gram scales, cutting agents, balance beam scales, plastic bags, paper bindle, aluminum foil, razor blades, mirrors, straws and smoking pipes;
5. Records relating to the distribution of Marijuana, Hashish, Heroin, Cocaine, Methamphetamine, or other controlled substances including but not limited to, lists of customers, dates of sales and purchases, amounts sold or purchased, purchase of supplies, telephone numbers and addresses, lists of distributors from whom Marijuana, Hashish, Heroin, Cocaine, Methamphetamine or other controlled substances can be obtained, records of contacts, conversations, communications, agreements or transactions between Joshua KNEPPER and/or other parties;

That the above items constitute evidence of the offenses of Promoting a Dangerous, Harmful and Detrimental Drugs in violation of Chapter 712 of the Hawaii Revised Statutes;

That Possession of Marijuana, Hashish, Heroin, Cocaine, Methamphetamine, or other controlled substances is a violation of Chapter 712 of the Hawaii Revised Statutes, and such items are thereby subject to seizure under

Rule 41(b) of the Hawaii Rules of Penal Procedure;

And that the facts establishing the foregoing grounds for the issuance of a Search Warrant are as follows:

1. That Affiant has been employed by the Maui Police Department since 1989 and has been assigned to the Vice Narcotics Division Canine Unit as a Narcotic Detection Canine Handler since July 1994;
2. That Affiant has received specialized training in the field of Marijuana, Hashish, Heroin, Cocaine and Methamphetamine identification and various narcotic investigative techniques from the Maui Police Department and Senior Vice Officers;
3. That Affiant has also received specialized training In Airport Drug Trafficking from Honolulu Police Department's Narcotics Vice Airport Detail "NVAD";
4. That Affiant has also received specialized training in Airport Drug Trafficking from Assistant United States Attorney Michael KAWAHARA;
5. That Affiant has also received specialized training in drug identification and various narcotic investigative techniques from the United States Department of Justice's Drug Enforcement Administration, "DEA";
6. That Affiant has received specialized training from the United States Department of Justice's Drug Enforcement Administration (DEA) and was deputized as a Task Force Officer (TFO);
7. That Affiant has attended the United States Border Patrol National Canine Facility and completed the Canine Instructor's Course, which consisted of 10 weeks of training. That Affiant is currently certified as a Canine Trainer and re-certifies every two years;
8. That Affiant has attended the "SkyNarc" training seminar which was given by the Orlando, Florida Police Department and the Drug Enforcement Administration;
9. That Affiant has received training by the United States Customs Service in Drug Interdiction;
10. That Affiant has received specialized training from the State of

Florida, Bureau of Law Enforcement;

11. That Affiant has received specialized "Jetway" training from the United States Drug Enforcement Administration;
12. That Affiant has received training and certification in Rappeling from Hughes 500 helicopters;
13. That Affiant has also been trained by Sergeant John KAUPALOLO of the Maui Police Department in spotting Marijuana from a Hughes 500 helicopter from an altitude/height of 500 feet; That Affiant has incurred over 100 hours of flight time in Hughes 500 helicopters spotting and positively identifying Marijuana at a altitude/height of 500 feet while assigned to the Marijuana Eradication Unit;
14. That Affiant has been deputized by the State of Hawaii, County of Hawaii Police Department as a Special Police Officer, with Police Powers within the County of Hawaii and that Affiant acted in the capacity as an undercover Police Officer;
15. That Affiant was deputized by the State of Hawaii, County of Kauai Police Department with Police Powers within the County of Kauai while acting in the capacity of Canine Trainer/Handler for a Hawaii Narcotics Task Force "HNTF" operation;
16. That Affiant has received specialized training from the El Paso Intelligence Center "EPIC";
17. That Affiant has received specialized training from California Narcotic Canine Association "CNCA" and that Affiant along with Canine "Driem" passed a "CNCA" canine certification course;
18. That during the dates of July 1994 through January 1995, Affiant and his canine "NICKY" received over two hundred (200) hours of specialized training in locating and indicating on various controlled substances. "NICKY" will alert to Marijuana, Cocaine, Hashish, Heroin, Methamphetamine and other controlled substances. "NICKY" will also alert to the scent thereof coming from currency, notes, documents, and containers such as baggage, parcels, mail, cargo, dwellings and motor vehicles, and/or other evidence that may have been utilized in the trafficking or distribution of illicit drugs. That this training was conducted by Sergeant Ramsay ANAKALEA of the Maui Police Department's Vice Narcotics/Canine Unit, that Affiant and canine "NICKY" passed a canine certification exam on January 12, 1995 and re-certify annually;

19. That on October 10, 2001, Canine "Nicky" was retired from the Maui Police Department and was replaced by Maui Police Department Detection Canine "Driem";
20. That during the dates of April 2001 through October 2001, Affiant and his "new" canine "Driem" incurred over two hundred (200) hours of specialized training as a canine team. That the training of canine "Driem" was conducted by Canine Instructor Tod WONG, of the Maui Police Department and that on October 9, 2001 canine "Driem" passed a canine certification exam and is re-certified annually and is currently certified (refer to above information listed under line no. 18);
21. That on January 23, 2005, Affiant was "off-duty" and was assigned to assist with a narcotics investigation that was initiated by Wailuku Patrol Officer Miles WON. That Officer WON is requesting a canine screening upon a backpack that was recovered following an investigation;
22. That on January 23, 2005, Affiant met with Officer WON and was informed of the circumstances surrounding this investigation. The Police report(s) relates the circumstances surrounding this investigation (Promoting Dangerous Drug I Investigation #05-07281 and Criminal Trespass #05-07249) **REFERRED TO AS ATTACHMENT "A"**;
23. That on January 23, 2005, at approximately 11:50 a.m., Affiant conducted a canine screening utilizing the Maui Police Department's Detection Canine "Driem". That shortly thereafter, "Driem" alerted/indicated to the above described backpack. The alert/indication shows the odor of a controlled substance emanating from within the backpack;
24. That Officer WON is known to Affiant as a Police Officer with the Maui Police Department and is currently assigned to the Wailuku Patrol Division and has never given false information regarding criminal activity;

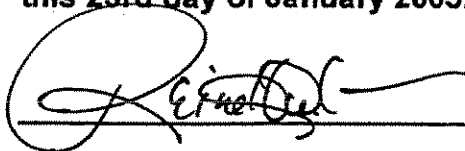
25. That based on "Driem's" alert and indication, on the above-described backpack and the information obtained from Officer WON. Affiant believes that concealed within the above-described backpack is a controlled substance, and Affiant desires to search said backpack; and

That further Affiant sayeth naught.

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**Tod WONG, Police Officer
Vice Division
Maui County Police Department**

**Subscribed and sworn to before me
this 23rd day of January 2005.**



**District Judge of the above-entitled
Court**



EXHIBIT "A"

The items listed below were recovered as evidence following the execution of a search warrant at
Waikiki Police Sta. (VICE OFFICE), County of Maui, on

11/23/05 at 1100 hours.

ITEM #1 7- PLASTIC BAGS CONTAINING CRYSTAL METH.
ITEM #2 GLASS SMOKING PIPE W/ METH. RESIDUE
ITEM #3 CHARTER ARMS .38 SR. REVOLVER
ITEM #4 5- WINCHESTER .38 S&W BULLETS
ITEM #5 2- MARIJUANA "JOINTS"
ITEM #6 PLASTIC BAGS, DIGITAL SCALE, "SCISSORS" ETC.
ITEM #7 3- PIPES W/ JOINTS JOSHUA KNEPPER'S
NAME AFFIXED

Recipient: REFUSED

Witnessed by: [Signature] SSSY

Date: 11/24/05 Time: 0120

Date: 11/24/05 Time: 0120

Witnessed by: _____

knepper 000000076